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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1258th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 28 October 2014, at 3 p.m.

Chairperson: Ms. Ameline

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Belgium (continued) (CEDAW/C/BEL/7; CEDAW/C/BEL/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Belgium took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Gallant** (Belgium), drawing the Committee's attention to figures provided in the report, said that, since June 2013, police automatically entered the gender of victims of violence into prosecution service databases. However, cases that were brought through other channels were registered manually, so data remained incomplete. A third anti-trafficking plan was being prepared for the period 2015–2018 and would be discussed shortly by the new Federal Government. No data was available on prostitution, but there were statistics on victims of trafficking, disaggregated by the purpose of trafficking. Victims of trafficking for the purpose of sexual exploitation were mainly from Albania, Belgium, Bulgaria, Hungary, Nigeria and Romania. A federal bill on the incorporation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence had been drafted and the competent minister would determine whether any reservations and legislative amendments might be necessary.

3. Replying to questions regarding complaints for sexual abuse, she said that the conviction rate in rape cases between 2009 and 2011 had been nearly 75 per cent. Discontinuance of proceedings was much more common in domestic violence cases, usually because of insufficient evidence. One of the major problems with the Sexual Aggression Set was the need for victims to undergo tests within 72 hours. For that reason, the authorities and the Institute for the Equality of Women and Men had run a large-scale campaign in 2014 to encourage victims to come forward. The circular regarding the Set was being amended to take into account observations made by civil society, and the new national action plan to combat partner violence and other forms of domestic violence for 2015–2019 would include sexual violence.

4. The small number of complaints regarding female genital mutilation was likely due to the fact that it tended to be performed in the greatest secrecy, but there was evidence that awareness-raising efforts were having a positive impact. A circular was being drafted on the topic of honour crimes, which might also be broadened to include female genital mutilation and forced marriage.

5. **Mr. Belkacemi** (Belgium) outlined the measures taken to encourage persons to report cases of female genital mutilation, including: the publication of a brochure on the circumstances in which professionals could break confidentiality rules in order to prevent a case or assist a victim; the preparation of a lawyer's guide to processing asylum requests related to female genital mutilation; the training of health-care professionals in hospitals whose catchment area included at-risk communities; and the distribution at border crossings of a booklet containing information on relevant international and Belgian law, the health effects of the practice and contact persons.

6. **Ms. Adriaenssens** (Belgium) said that the authorities of the French Community funded civil society efforts to prevent and raise awareness of female genital mutilation. A prevention kit containing information for professionals and families was distributed at peak periods, especially in the lead-up to summer holidays when members of the Communities concerned often travelled back to their countries of origin.

7. **Ms. Van Lul** (Belgium), replying to questions regarding residency permits for victims of trafficking or violence, said that the Government had no intention of amending its legislation because it was already in line with Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third-country nationals who were victims of trafficking or involved in illegal immigration but cooperated with the competent authorities. When individuals were not given the status of trafficking victims, they could apply for residency on humanitarian grounds or for asylum. Thus, individuals' specific situations were always taken into account in practice. She stressed that being a victim of violence was not grounds for the revocation of residency. Persons in an irregular situation who were caught by the police had to be reported to the competent authorities; however, if the police found signs that they had suffered violence, appropriate steps were taken to ensure that they received the assistance they needed. Such individuals could also request residency on humanitarian grounds or asylum as a vulnerable person or return voluntarily to their country of origin, with the support of the International Organization for Migration.

8. **Ms. Vandenbossche** (Belgium) said that Flanders did not have centres specifically for victims of sexual violence, but that welfare centres provided victim support. The authorities, in cooperation with Child Focus and the non-profit organization Sensoa, had established strategic frameworks on sexuality and physical integrity in five areas, including education, sports and childcare.

9. **Ms. Gillain** (Belgium) said that the Walloon Region did not have specific services for victims of sexual violence either; however, a decree adopted in May 2014 on family planning centres provided for a range of sexual and reproductive health education, care and counselling services. A free and anonymous domestic violence hotline had been set up in the Walloon Region and the territory of the French Community and, since 1 January 2014, had been operated by specialized resource centres. Over 300,000 euros had been allocated to it that year.

10. **Ms. Absil** (Belgium) said that there was no single resource for victims of sexual violence in the Brussels-Capital Region either, but gynaecologists, midwives and family doctors were provided with training to recognize the signs of domestic violence and ensure that victims received appropriate assistance and treatment.

11. **The Chairperson**, speaking in her capacity as an expert, re-emphasized the importance of international cooperation in the areas of trafficking and sexual exploitation.

Articles 7 and 8

12. **Ms. Schulz** pointed out that, while the State party was a very convincing example of how quotas could have a positive impact on the representation of women, the fulfilment of the quotas varied widely across regions and from one election to the next. Accordingly, she asked whether the State party was considering establishing a mechanism to achieve durable parity at all levels. Citing the country's report on Beijing+20, she asked whether quotas for greater balance in the executive branch were being discussed and, if so, what the related targets and time frame were and whether they would also apply at the municipal level. Referring to information contained in paragraphs 183 and 184 of the report, she wished to know whether the State party was planning more binding measures to promote women in diplomacy and international organizations. She also asked whether the quotas imposed on publicly traded companies were having a trickle-down effect on small and medium enterprises; whether the deadlines for their implementation might not be too long; and whether additional measures might be taken to improve women's career prospects in the private sector.

13. **Ms. Haven** (Belgium), providing figures on women in diplomacy and international organizations, said that the Federal Public Service for Foreign Affairs intended to review

current processes to ensure that they did not discriminate against women. The impact of changes to the diplomatic service examination were not yet known because it was not held annually. Over the past year, the Government had actively supported the candidacy of Belgian women to posts in the United Nations system and had joined an informal group of "like-minded countries" regarding Security Council resolution 1325 to promote gender parity.

14. **Ms. Joly** (Belgium) said that the issue of quotas in the executive branch had not been included in the new Government's agreement and that, to the best of her knowledge no new measures were planned. Quotas were already having a positive impact on women's representation in publicly traded companies and the time frames for their implementation were a reflection of the fact that governing boards tended to have slow turnover.

Articles 10 to 14

15. **Ms. Jahan** asked how the Government was tackling the structural barriers impeding female students' enrolment in non-traditional, scientific and technical fields. What impact had the Flemish Community's STEM (Science, Technology, Engineering and Mathematics) action plan for 2012–2020 had, and would it be implemented countrywide? What progress had been made in implementing the recommendations of the working group on gender issues in higher education, mentioned in paragraph 200 of the report? Would a master's programme in gender and diversity be introduced in the French Community? What steps were being taken to accelerate women's appointment to higher academic positions?

16. Were there plans to provide comprehensive age-appropriate education on sexual and reproductive health in schools? How were the low school enrolment rates and high dropout rates among girls whose families were migrants, asylum seekers or members of ethnic minorities being tackled? What policy safeguards were in place to ensure that teenage mothers returning to school did not face discrimination?

17. Noting that the ban on religious dress in schools could deter girls from certain ethnic and religious minorities from attending school, and might violate their right to freedom of expression and of religion, she asked whether the State party would soon review the ban. She asked why Belgium was not a party to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education.

18. **Mr. Bruun** expressed concern about the persistent horizontal and vertical gender segregation in the Belgian labour market and the gap between women's and men's pay. Given the situation, it was odd that so few complaints were filed about wage discrimination. He asked what had been the impact of recent measures, such as the 2012 law to reduce the wage gap and a royal decree on wage structure.

19. How was the State party addressing the persisting disparities in men's and women's unemployment benefits and the fact that women's pensions were a third lower than men's? In particular, why would progress towards pension parity be reviewed only in 2023? How was the State party following up on the numerous complaints about discrimination on the basis of pregnancy and motherhood, and how was it tackling the related problem of insufficient day-care facilities? Why, of the numerous complaints concerning sexual harassment in the workplace, did so few result in court cases and even fewer in convictions?

20. Regarding the explanation by Ms. Joly, he did not understand how staff turnover rates could affect the composition of boards. That did not seem a logical reason for differing deadlines.

21. **Ms. Pomeranzi** asked why there were differences between the regions' health-care systems and whether there were plans to ensure, from the federal level, that the systems

performed equally well. She requested additional information on abortion rates among teenagers and on the sterilization of women with mental disabilities.

22. **Ms. Vandenbossche** (Belgium), replying to questions about education, said that a study dating from September 2014 showed that since the implementation of the STEM action plan the enrolment rate of by female students in technical master's and bachelor's programmes had risen. Special research funds had been established to boost female researchers' careers and promote gender balance in academic research. There was also a scheme giving priority for tenured positions to the underrepresented sex.

23. Flemish Region schools had a comprehensive sexual and reproductive health curriculum. An action plan to reduce the dropout rate had been implemented in 2014; it was too soon to evaluate its impact. There would be further discussion of the ban on religious dress in schools, which had been lifted in some schools. Her delegation would provide an answer to the question about the UNESCO Convention against Discrimination in Education in due course.

24. **Ms. Adriaenssens** (Belgium) said that the French Community had many initiatives to tackle profession-related gender stereotypes and familiarize young people with the range of work opportunities available. A task force was collaborating with the Helsinki Group on Women and Science to encourage female university students to pursue scientific careers. To increase the percentage of female faculty members, gender focal points had recently been appointed at all universities. There were indeed plans to establish a master's programme in gender studies.

25. Regarding access by children of immigrants to higher education, she said that the group in question consisted largely of children of French nationals, who often had dual nationality and thus the same entitlements as other Belgian citizens. There were special scholarships for other categories of migrants. Turning to other issues, she said that the legislation on compulsory education had been amended in 2013 to include sexual and reproductive health, and that all schools must now include such instruction. Her delegation would provide information on its position on the UNESCO Convention against Discrimination in Education in due course.

26. **Ms. Joly** (Belgium), replying to questions about the wage gap, said that workers might not have enough comparative data about wages to see whether they were treated fairly. A 2012 law would help the authorities to obtain comparative disaggregated data and take action against any discriminatory practices identified as a result. Emphasizing that there was a relatively low gap between women's and men's wages in Belgium, she nevertheless agreed that information about relevant legislation needed to be disseminated further. A leaflet on the topic had been published and an information session for employers and employees would be held in February 2015.

27. **Ms. Hautot** (Belgium), in response to the question concerning disparities in unemployment benefits, said that a new unemployment benefit system had been introduced two years previously. The objective was to have a system that would be sustainable in the long term but, at the same time, would uphold the principle of benefits of unlimited duration, promote the re-entry of job seekers into the labour market and increase the rate of employment. The fact that unemployment benefits were gradually reduced over time had a limited impact as it mainly affected heads of households and persons living alone. Couples living in households with other sources of income received payments during the second of the three benefit payment periods that were slightly lower than under the previous system. However, minimum unemployment benefits were guaranteed, and were still higher than the basic social welfare allowance. Moreover, the statutory waiting period for entitlement to unemployment benefit upon completion of education was shorter for certain categories of job seekers, including single mothers. Responding to concerns expressed about the high

level of part-time employment among women, she said that the National Employment Office had instituted a system under which more than 50,000 part-time workers, many of whom were cohabitants, continued to receive benefit payments. The reform of the unemployment benefit system was designed to benefit young people in particular, including young girls.

28. With regard to the low number of complaints of harassment, two new laws had been adopted in 2014 which were more specific than previous legislation. The notion of psychosocial burden had been clearly defined and the roles of all the persons concerned had been clarified. Amendments had been introduced regarding trusted third parties and, significantly, measures offering protection against reprisals had been extended. Victims of violent behaviour could now apply to the labour courts for compensation.

29. **Mr. Pasteel** (Belgium) said that Belgium had a raft of extremely effective laws and measures on pregnancy and maternity. Most of the complaints filed by women with the Institute for the Equality of Women and Men involved discrimination on the basis of pregnancy and/or maternity. However, that form of discrimination was greatly underreported, with victims often being afraid to complain, or unaware of their rights. One solution was to carry out awareness-raising work, including through the media. A brochure on the issue had been disseminated among universities and the social partners.

30. **Ms. Pomeranzi** requested clarification of the data provided relating to sterilization.

31. **Ms. Jahan** requested additional information on how the children of refugees and asylum seekers were integrated into the education system and asked whether any studies had been carried out into sexist or sexual harassment in schools.

32. **Ms. Gallant** (Belgium), in response to the question on sterilization data, said that the sterilization rate among women, particularly women with mental disabilities, was indeed higher than among their male counterparts. However, a new law, which had entered into force in September 2014, had reformed the system governing incapacity and established a protection regime that ensured respect for human dignity. Under the law, protected persons were deemed to be capable in all matters relating to their person, including sterilization. Furthermore, third parties were prohibited from acting on behalf of persons deemed to be incapable in matters relating to sterilization. Consequently, forced sterilization was not carried out in Belgium and all the data provided regarding sterilization corresponded to cases of voluntary sterilization.

33. **Ms. Joly** (Belgium), referring to the comment about the pensions gap, said that in the light of the gender-mainstreaming plan for the period 2012–2013, to the pension system took the gender dimension into account. There was now greater emphasis on ensuring the welfare of persons in receipt of social benefits and pensions, and each year, funding was allocated for that purpose. Recently, efforts had been focused on extremely low pensions, mainly received by women. A major overhaul of the pension system was planned, including reforms addressing the pensions gap.

34. **Ms. Vandenbossche** (Belgium) said that, according to data compiled by a national commission on the termination of pregnancy, in 2010, Belgium had been one of the countries in Europe with the lowest number of abortions. The average age of women undergoing an abortion had been around 27 and that figure had remained stable for several years. Women between the ages of 20 and 30 had accounted for around half of all abortions. The rise in the number of abortions in Belgium might be explained by a number of factors, including: improved registration procedures; easier access to legal, safe abortion; improved care; a more tolerant attitude towards abortion; increased sex education in schools; and the reimbursement of related medical fees. The majority of women undergoing abortion chose to do so either because they did not wish to have any children, or because they did not wish to increase the size of their families.

35. **Ms. Van Lul** (Belgium) said that child asylum seekers were often housed in shelters, where language lessons and other activities were organized. Children could be enrolled in nursery, primary or secondary schools. The French Flemish and German-speaking Communities had all adopted specific legislation in that regard. In the German-speaking Community, special classes had been set up to cater for children who had recently arrived in Belgium and all foreign children had access to education, regardless of their status in terms of residency. However, parental consent was required for school enrolment. Educational establishments ran courses to ensure the integration of such children, including by ensuring that they learned the official language of instruction. Article 24 (3) of the Belgian Constitution set out the right of all children to education and there were a number of related decrees applicable in the three Communities.

36. **Ms. Adriaenssens** (Belgium) said that, in the French Community, some schools had a high number of foreign students, many of whom had not spoken French on arrival. Special teaching units had been set up for such children that provided support for up to 18 months, with a view to ensuring their integration into both Belgian society and the local education system. There were no specific regulations regarding young expectant mothers and each school adapted to their needs accordingly.

37. **Ms. Pomeranzi** expressed concern about reports of multiple discrimination against migrant women and asylum seekers and that migrant and refugee reception centres did not always offer the same services. She requested further information on the prejudice faced by transgender persons attempting to exercise their human rights. Were there any plans to facilitate the legal gender recognition procedure, given that transgender persons currently had to undergo psychiatric assessment and compulsory surgery?

38. **The Chairperson**, speaking in her capacity as an expert, asked whether any studies had been carried out on the impact of the economic crisis on women. She suggested that any future studies in that area could also cover the issue of pensions for women and elderly women.

39. **Mr. Pasteel** (Belgium) said that in a significant development had been the amendment in 2014 of legislation governing gender-based discrimination to cover gender identity and gender expression. There was also a law on transsexuality dating from 2007, under which persons wishing to undergo gender reassignment went through an administrative procedure rather than having to appear before the courts to obtain authorization. However, there were plans to amend that law, to bring it into line with Belgium's international legal obligations and to remove the psychiatric and medical aspects of legal gender recognition.

40. **Ms. Joiy** (Belgium) said that the Federal Planning Bureau had conducted an assessment of measures adopted relating to unemployment benefits and pensions that contained some useful information on the impact of the economic crisis. A series of indicators demonstrated that, initially at least, the economic crisis had had a fairly limited impact on social issues and had affected men more than women. Recent studies had shown that women were living longer, albeit in poorer health and with low incomes.

41. **Ms. Smisdom** (Belgium) said that the Flemish Community had an integrated and comprehensive plan for elderly persons that focused on their specific circumstances and requirements. Its objectives were to ensure their access to economic, social and cultural rights, prevent and eliminate discrimination, promote participation in a wide range of fields, including the assessment of current policies. The main focus of the plan was age not gender, although it did emphasize the importance of taking the gender perspective into account in different areas including health.

42. **Mr. De Crombrugghe** (Belgium) said that the dialogue with the Committee had been a very useful and positive process. In recent years his Government had made

impressive efforts to eliminate discrimination against women, in compliance with its obligations under the Convention, and based on the Committee's recommendations. After paying tribute to the members of the delegation and the Committee, he gave his assurances that his Government would pay due attention to the Committee's future recommendations and remain committed to ensuring equality and combating discrimination in practice.

43. **The Chairperson**, after thanking the members of the delegation for their contribution to the dialogue, commended the State party on its efforts so far, and encouraged it to pursue them. In that connection, she called on the State party to raise awareness about the Convention within its domestic legal order and institutions and to step up implementation of the Convention's provisions.

The discussion covered in the summary record ended at 5.10 p.m.